

REMARKS

Upon entry of the foregoing Amendment, claims 1 and 3-6 are pending in the application. Claim 1 has been amended. Claims 2 and 7-10 are cancelled and no claims are newly added. Applicant believes that this Amendment does not add new matter. In view of the foregoing Amendment and following Remarks, allowance of all the pending claims is requested.

REJECTION UNDER 35 U.S.C. § 103

The Examiner has rejected claims 1-10 under 35 U.S.C. § 103 as allegedly being unpatentable over by U.S. Patent No. 6,346,215 to Boegel et al. ("Boegel"). Further, the Examiner has rejected claims 1-2, 6, and 9-10 under § 103 as allegedly being unpatentable over by U.S. Patent No. 5,487,867 to Singh ("Singh"). Applicant traverses this rejection because the Examiner has failed to establish a *prima facie* case of obviousness, for at least the reason that the references relied upon by the Examiner, either alone or in combination with one another, do not teach or suggest all the features of the claimed invention.

More particularly, Boegel does not teach or suggest at least the feature of an alloy having a composition (in weight-percent) of "Fe 0.001 to 0.02 %," as recited in claim 1, for example. The Examiner alleges that Boegel teaches a copper-based alloy containing Fe at col. 5, lines 9-50, and further alleges that such teachings constitute a *prima facie* case of obviousness because Boegel teaches a broader range than recited in claim 1.

However, Boegel actually indicates that the alloy disclosed therein contains Fe "in an amount of from 0.2 to 5 wt. %." In contrast, claim 1 recites an alloy containing Fe in an amount from "0.001 to 0.02 %." Not only does the iron composition disclosed by Boegel not overlap the claimed iron range, the minimum iron content in Boegel is at least one order of magnitude higher than the maximum claimed iron content (i.e., 0.2 % in Boegel, versus 0.02 % claimed). Accordingly, the prior art range is neither broader nor overlapping vis-à-vis the claimed range, and therefore the Examiner has failed to establish a *prima facie* case of obviousness for at least this reason.

Furthermore, neither Boegel nor Singh teach or suggest a “nickel-free alloy,” as recited in claim 1, for example. Boegel discloses that “Nickel can also be present in the alloy of the present invention in an amount of up to 5 % by weight in order to improve the mechanical strength and corrosion resistance of the alloy” (col. 5, lines 36-40); Singh discloses a copper-alloy having nickel as an essential element (col. 2, line 66 – col. 3, line 20), and in a particular embodiment, having nickel in an amount ranging from 11 to 27 % (col. 5, lines 3-11).

In contrast, the claimed invention recites a “nickel-free alloy.” For at least the foregoing reasons, a person having ordinary skill in the art would not look to the teachings of either Boegel or Singh when considering compositions for a “nickel-free alloy,” as both teach including a considerable amount of nickel in the respective alloys. Accordingly, the Examiner has failed to establish a *prima facie* case of obviousness for at least this reason.

Claims 3-6 depend from and add features to claim 1. Thus, the rejections of these claims are likewise improper and must be withdrawn for at least the same reasons.

CONCLUSION

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

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Respectfully submitted,

By:



Syed Jafar Ali

Registration No. 58,780

PILLSBURY WINTHROP SHAW PITTMAN LLP
P.O. Box 10500
McLean, Virginia 22102
Main: 703-770-7900
Fax: 703-770-7901